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OFFICE OF PETITIONS

In re Application of	:	
Christopher Scott Fuselier et	:	DECISION ON PETITION
al.	:	PURSUANT TO
Application No. 09/681,574	:	37 C.F.R. § 1.137(B)
Filed: May 1, 2001	:	
Attorney Docket No.: 41EB-9023	:	
Title: METHODS AND SYSTEM FOR	:	
PROVIDING CONTEXT SENSITIVE	:	
INFORMATION	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed July 30, 2009, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed November 13, 2008, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue fees.¹ Accordingly, the above-identified application became abandoned on February 14, 2009. A Notice of Abandonment was mailed on March 9, 2009.

A petition pursuant to 37 C.F.R. § 1.181(a) was filed on March 27, 2009, and was dismissed via the mailing of a decision on July 1, 2009.

¹ See MPEP § 710.02(e) (III).

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

37 C.F.R. § 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional. Since the statement contained in this petition varies from the language required by 37 C.F.R. § 1.137(b)(3), the statement contained in this petition is being construed as the statement required by 37 C.F.R. § 1.137(b)(3) and Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.

With this petition, Petitioner has submitted the petition and issue fees, along with a statement that is being construed as the proper statement of unintentional delay. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.²

It is noted that Petitioner has further included a publication fee. As a publication fee is not required, this submission will be credited to Petitioner's Deposit Account in due course.

Pursuant to this decision, the Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

² See Rule 1.137(d).

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Office of Patent Publication in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Office of Patent Publication where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.³ All other inquiries concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.



Paul Shanoski
Senior Attorney
Office of Petitions

³ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.